IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 8743 of 1996

Between:

1 Hazi Begum, W/o. Mahaboob Jani, H/o. Yadaiahnagar, Secunderabad.
2 S.K. Nazeer, w/o. S.K. Mohd., Gandhi Hospital Qrts., 7-3-86/14, Sedcunderabad.
3 M. Malathi, w/o. Ramesh, R/o. Boinapally, Secunderabad.
4 M. Rajesh, S/o. Mukundh Bahadur, H.No. 7-3-86/4, Gandhi Hospital Qtrs., Secunderabad.

..... PETITIONERS

AND

1 The Addl. Industrial Tribunal -cum- Labour Court. 1st Floor, Chandravihar Building, M.J.Road, Hyderabad.
2 The Superintendent, Gandhi Hospital, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to call for the records from the 1st respondent in respect of impugned awards, and issue a writ, order or direction particularly one in the nature of writ of Certiorari and quash the awards dt. 22-2-95 passed by the 1st respondent in I.D.No. 601/93, I.D.No. 606/93, I.D.No. 609/93 and I.D.No. 622/93 in rejecting our claims for reinstatement into services, holding the same as illegal, unjust, contrary to law and perverse, and grant the relief of reinstatement into service to the petitioners, with continuity of service, full back wages and all other attendant benefits in the interest of Justice and fair play.

Counsel for the Petitioners: MR.V.NARASIMHA GOUD

Counsel for the Respondent No.1: THE G.P FOR LABOUR

Counsel for the Respondent No.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

ORDER:

The petitioners were all employed on a casual basis to perform last grade menial service in Gandhi Hospital, Secunderabad, during an indefinite strike of N.G.Os, which commenced on 05.11.1986. On the withdrawal of the strike, they were disengaged from service. It would appear that some oral representations were made to them assuring them that their cases would be considered for employment at an appropriate time. The State government also issued G.O.Ms.No.69, dated 10.02.1987, directing the Heads of Departments to give preference to persons, who were employed on an *ad hoc* basis or daily wages during the strike period, for eventual employment. Claiming that in violation of the provisions of Section 25-H of the Industrial Disputes Act, 1947(for short "the Act") and the orders of the State Government in G.O.Ms.No.69, the Gandhi Hospital made several appointments ignoring their cases for preferential consideration, the petitioners lodged I.D.No.609 of 1993 and batch of claims under Section 2-A(2) of the Act as amended in the State of Andhra Pradesh.

The Additional Industrial Tribunal–cum- Additional Labour Court, Hyderabad, rejected the claims and consequently, I.D.No.609 of 1993 and batch, by the awards dated 22.02.1995, were dismissed on the ground that the claims were not maintainable under Section 2-A(2) of the Act, as the claims were directed against neither retrenchment, dismissal, discharge nor removal from service. Aggrieved by the rejection of their claims, the petitioners are before this Court in this writ petition claiming Certiorari against the awards of the labour Court.

Demonstrably, the claims lodged by the petitioners before Additional Industrial Tribunal–cum- Additional Labour Court, Hyderabad, do not fall to be adjudicated within the spectrum of the adjudicatory jurisdiction conferred on the labour Court

under Section 2-A(2) of the Act. The conclusion of the labour Court that the claims were not maintainable is impeccable, warranting no interference under Article 226 of the Constitution of India. The writ petition is misconceived. It beseeches rejection and is accordingly dismissed. There shall be no order as to costs.

_____ 09.08.2004

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To

1 The Addl. Industrial Tribunal -cum- Labour Court. 1st Floor, Chandravihar Building, M.J.Road, Hyderabad.
2 The Superintendent, Gandhi Hospital, Secunderabad.

3 2CCs to the G.P. for Medical Health and Family welfare, High Court Buildings, Hyderabad.(O.U.T).

4 2 CCs to the G.P for Labour, High Court Buildings, Hyderabad (O.U.T)

5 CD copies.